

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMAL EVANS,

Plaintiff,

v.

R. FLORES, JOSTRUNDEA, and R.
GODWIN,

Defendants.

Case No. 1:22-cv-00170-ADA-HBK(PC)

CLERK TO CLOSE CASE BASED UPON
PLAINTIFF'S VOLUNTARY DISMISSAL
UNDER FED. R. CIV. P. 41 (a)(1)(A)(i)

(Doc. No. 17)

On August 21, 2023, the Plaintiff filed a notice to dismiss the case. (Doc. No. 17, "Notice"). The Notice, dated and signed under penalty of perjury by Plaintiff on August 15, 2023, directs this action to "be dismissed without prejudice." (*Id.*). The Notice follows the Court's July 27, 2023 Findings and Recommendations to which Plaintiff had been granted an extension of time to file objections. (Doc. Nos. 14, 15). Because no defendant has been served and no answer nor motion for summary judgment has been filed, Plaintiff may voluntarily dismiss this action by operation of law without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(i). Further, the district court has not yet ruled on the July 27, 2023 Findings and Recommendations.

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1 ACCORDINGLY:

2 The Clerk of Court is directed to terminate any pending motions, vacate all deadlines, and
3 CLOSE this case to reflect Plaintiff's Notice of Voluntary Dismissal without prejudice consistent
4 with Fed. R. Civ. P. 41(a)(1)(A)(i).

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6 Dated: August 23, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE